

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

CLIFTON ESKRIDGE III,

Defendant.

NO. CR14-5050BHS

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant Clifton Eskridge III, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team):

a. Grand Jury transcripts and exhibits.

1 b. Victim/Witness statements, including but not limited to reports of law
2 enforcement officers memorializing witness/victim statements, and audio/video recordings of
3 interviews of victims and witnesses.

4 c. The personal information related to victims and witnesses, and any
5 statements and documents containing personal information about or related to any victims and
6 witnesses provided by the government in discovery is deemed Protected Material. As used in
7 this Order, the term “personal information” refers to each victim and witness’s full name, date of
8 birth, Social Security number (or other identification information), driver’s license number,
9 address, telephone number, location of residence or employment, school records, juvenile
10 criminal records, and other confidential information.

11 d. Photographs and other media depictions of victims and witnesses,
12 including internet postings which include photographs of victims and witnesses.

13 2. Scope of Review of Protected Material

14 The attorneys of record and members of the defense team may display and review the
15 Protected Material with the Defendant. The attorneys of record and members of the defense
16 team acknowledge that providing copies of the Protected Material to the Defendant and other
17 persons is prohibited, and agree not to duplicate or provide copies of the Protected Material to
18 the Defendant and other persons.

19 The United States Attorney’s Office for the Western District of Washington is similarly
20 allowed to display and review the Protected Material to lay witnesses, but is otherwise prohibited
21 from providing copies of the Protected Material to lay witnesses, i.e. non-law enforcement
22 witnesses.

23 3. Consent to Terms of Protective Order

24 Members of the defense team shall provide written consent and acknowledgement that
25 they will each be bound by the terms and conditions of this Protective Order. The written
26 consent need not be disclosed or produced to the United States unless requested by the Assistant
27 United States Attorney and ordered by the Court.

28 4. Parties’ Reciprocal Discovery Obligations

1 Nothing in this order should be construed as imposing any discovery obligations on the
 2 government or the defendant that are different from those imposed by case law and Rule 16 of
 3 the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

4 5. Filing of Protected Material

5 Any Protected Material that is filed with the Court in connection with pre-trial motions,
 6 trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain
 7 sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings
 8 as a matter of course. The parties are required to comply in all respects to the relevant local and
 9 federal rules of criminal procedure pertaining to the sealing of court documents.

10 6. Nontermination

11 The provisions of this Order shall not terminate at the conclusion of this prosecution.

12 7. Violation of Protective Order

13 Any violation of any term or condition of this Order by the Defendant, his attorney(s) of
 14 record, any member of the defense team, or any attorney for the United States Attorney's Office
 15 for the Western District of Washington, may be held in contempt of court, and/or may be subject
 16 to monetary or other sanctions as deemed appropriate by this Court.

17 If the Defendant violates any term or condition of this Order, the United States reserves
 18 its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal
 19 charges relating to the Defendant's violation.

20 DATED this 17th day of March, 2014.

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23 BENJAMIN H. SETTLE
 24 United States District Judge
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